

REMARKS:

Claims 1-16, 19, 20, 23, 24, 27-33 and 35-49 are pending in the present application. Claims 3, 4, 7, 8, 11, 12, 15, 16, 19, 20, 23, 24, 27-33, 35-38, 41, 42, 45, 46, 48, and 49 have been withdrawn leaving claims 1, 2, 5, 6, 9, 10, 13, 14, 39, 40, 43, 44 and 47 under consideration. All claims under consideration were rejected by the Examiner's Office Action dated May 8, 2003. The present amendments and remarks are believed to be fully responsive to the Examiner's asserted bases for rejection.

All 13 claims under consideration were rejected under 35 USC § 112 second paragraph. With the exception of claim 47, all claims under consideration have been amended responsive to the Examiner's comments. Regarding claim 47, it appears that the Examiner's comment was intended to be directed to claim 43. Claims 43 and 44 are presently amended so as to replace "A composition" with "A pharmaceutical composition." The term "such as" which provided part of the basis for the rejection, has been removed from the claims and replaced with "selected from the group consisting of." The Examiner also objected to the definition of R⁵ and R⁶ as that definition appeared throughout the claims. Those claims are now amended to read "where R⁵ and R⁶ optionally can be joined together to form a pyrrolidine or piperidine ring" as the Examiner suggested. In claim 43, a spelling error was corrected for the term "furan." Finally, the Examiner has objected to the term "Aryl" in a number of claims. Applicants respectfully submit that one skilled in the art would readily understand the meaning of this term in the context of the claim language – e.g., "Aryl signifies a fused phenyl or monocyclic heteroaromatic ring" – and in view of the definition provided in the specification at page 12, lines 15 and 16: "The term heteroaromatic ring refers to thiophene, furan, pyrrole, pyridine, pyrimidine, pyridazine and pyrazine." Nevertheless, if the Examiner still believes the claims are indefinite by virtue of their reference to "Aryl," applicants would have no objection to incorporating the definition from the specification in the same manner as has been done, for example, in claim 1.

For the foregoing reasons, applicants respectfully submit that the bases for the Examiner's § 112 rejection have been obviated by the present amendments and withdrawal of the rejection on that basis is hereby requested.

Claim 1 was rejected under 35 USC § 102(b) as being anticipated by U.S. Patent Nos. 5,538,966 and 5,153,192. As presently amended, claim 1 contains a "proviso," which serves to distinguish the compounds of claim 1 from the cited art. Specifically, as amended, claim 1 provides that if the heteroaromatic ring is thiophene, then R² can be neither hydrogen nor halo, and R¹ cannot be OH. Applicants respectfully submit that with this limitation, the claim compounds do not read on the cited art. The Examiner's favorable reconsideration is therefore requested.


Claims 5, 9, 13, 39 and 43 have been rejected under 35 USC § 102(b) as being anticipated by Mizuno et al. Applicants' respectfully traverse. The compounds of Mizuno et al. are characterized as "serotonin-2 receptor" antagonists or blocking agents. The rejected method claims employ compounds having affinity for the 5HT₇ receptor, which compounds are preferably "agonists or partial agonists." Specification at page 4, lines 30-31. Moreover, the rejected claims are directed to methods of treatment which simply are not disclosed in the Mizuno et al. reference. Specifically, applicants are not aware of any teaching in Mizuno et al. that any of the compounds disclosed therein would be therapeutically useful to lower intraocular pressure, improve blood flow to the optic nerve head and retina, treat retinal diseases, etc. Rejected claim 43 is a composition claim that is also easily distinguished from the disclosure of Mizuno et al. The "Aryl" component of the compounds described in claim 43 must be a heteroaromatic ring. No heteroaromatic rings, however, are disclosed within the compounds referenced by the Examiner (compound numbers 28-79 of Table I in Mizuno et al). For these reasons, applicants respectfully submit that claims 5, 9, 13, 39 and 43 are not anticipated by Mizuno et al. and request the Examiner's favorable reconsideration of those claims.

For all of the foregoing reasons, applicants respectfully submit that the claims as

presently amended are in condition for allowance. The Examiner's favorable reconsideration is therefore requested. Any questions concerning the foregoing should be directed to the undersigned.

Respectfully submitted,

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